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8 *and Cross-Defendant Executive Risk*  
*Specialty Insurance Company*

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 LENSRAFTERS, INC., and EYEXAM OF  
13 CALIFORNIA, INC.,

14 Plaintiffs,

15 v.

16 LIBERTY MUTUAL FIRE INSURANCE  
17 COMPANY; EXECUTIVE RISK SPECIALTY  
18 INSURANCE COMPANY; UNITED STATES  
19 FIRE INSURANCE COMPANY; MARKEL  
AMERICAN INSURANCE COMPANY and  
20 WESTCHESTER FIRE INSURANCE  
COMPANY,

21 Defendants.

22 AND RELATED COUNTER AND CROSS  
23 ACTIONS

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**NOTICE OF DISMISSAL WITHOUT  
PREJUDICE OF EXECUTIVE RISK  
SPECIALTY INSURANCE  
COMPANY'S CROSS CLAIM  
AGAINST LIBERTY MUTUAL FIRE  
INSURANCE COMPANY AND  
WESTCHESTER FIRE INSURANCE  
COMPANY ONLY**

24 COMES NOW Defendant/Cross-Claimant EXECUTIVE RISK SPECIALTY  
25 INSURANCE COMPANY ("ERSIC"), by and through its attorneys undersigned, and hereby  
26 gives notice that all claims of ERSIC against Cross-Defendants LIBERTY MUTUAL FIRE  
27 INSURANCE COMPANY and WESTCHESTER FIRE INSURANCE COMPANY only, as set  
28 forth in ERSIC's Cross-Claim filed in this action, are hereby dismissed without prejudice.

ERSIC's Notice of Dismissal of Cross-Claims  
Against Liberty and Westchester Only  
(No. C 07 2853 SBA)

1 This Notice of Dismissal Without Prejudice is made pursuant to Rule 41(a)(1)(A)(i) and  
2 41(c) of the Federal Rules of Civil Procedure. No answer, responsive pleadings, or motion for  
3 summary judgment has been filed in response to ERSIC's Cross-Claim in this matter, and no  
4 evidence has been introduced at a hearing or trial on the Cross-Claim.

5 Date: April 14, 2008

6 Respectfully submitted,

7 ROSS, DIXON & BELL, LLP

8 /s/ Terrence R. McInnis

9 Terrence R. McInnis

10 and

11 Monique M. Fuentes  
12 Siavash Daniel Rashtian

13 *Attorneys for Defendant, Cross-Claimant and*  
14 *Cross-Defendant Executive Risk Specialty*  
15 *Insurance Company*